



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 22, 1992

Ms. Melissa Winblood
Assistant City Attorney
Office of the City Attorney
The City of El Paso
2 Civic Center Plaza
El Paso, Texas 79999

OR92-558

Dear Ms. Winblood:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16974.

You have received a request for information relating to incidents reported to the El Paso Police Department (the "department") with respect to a certain address. Specifically, the requestor seeks "a computer print-out of dates, case numbers, and names of parties involved (when available) of all incidents reported" involving the address "from 01-01-89 thru 07-31-92." You advise us that some of the documents were addressed in a previous determination of this office, Open Records Letter OR91-447 (1991). You do not request a determination with respect to these documents. You have submitted to us for review, however, various other documents (exhibits C-1 and C-2) and claim that they are excepted from required public disclosure under sections 3(a)(1), 3(a)(8), and 3(a)(11) of the Open Records Act.

Section 3(a)(8) excepts

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

When the "law enforcement" exception is claimed as a basis for excluding information from public view, the agency claiming it must reasonably explain, if the

information does not supply the explanation on its face, how and why release would unduly interfere with law enforcement. Open Records Decision Nos. 434 (1986); 252 (1980); *see also* Open Records Decision No. 397 (1983).

The information submitted to us for review consists of a department investigation, two complaint reports, and a supplemental report from the department's youth services section. You advise us that this information relates to an on-going law enforcement situation that involves a long-standing dispute between two families which has embroiled a neighborhood in numerous law enforcement investigations and prosecutions. In conference with this office, you explained that release of the requested information would exacerbate the situation further and thus undermine a legitimate law enforcement interest. On their face, the documents submitted to us for review support such an analysis. We conclude then that, with the exception of the first page offense report information held open in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.], *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) and Open Records Decision No. 127 (1976), the documents submitted to us for review may be withheld from required public disclosure under section 3(a)(8) of the Open Records Act. As we resolve this matter under section 3(a)(8), we need not address the applicability of sections 3(a)(1) and 3(a)(11) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-558.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/GCK/lmm

Ref.: ID# 16974

cc: Mrs. Marcella Pacholski
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